

JON SCHORLE
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016

1

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Chicago Police Officer SHANNON
SPALDING and Chicago Police Officer
DANIEL ECHEVERRIA,

Plaintiffs,

vs.

CASE NO. 12-cv-8777

CITY OF CHICAGO, et al.,

Defendants.

~~~~~

DEPOSITION OF EXPERT

JON SCHORLE

February 12, 2016

10:54 a.m.

2151 River Plaza Drive  
Suite 300  
Sacramento, California

JENNIFER SCHUMACHER, CSR No. 9763



JON SCHORLE  
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016

2

APPEARANCES OF COUNSEL

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JON SCHORLE  
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016

3

INDEX OF EXAMINATIONS

WITNESS: JON SCHORLE

| EXAMINATION | PAGE |
|-------------|------|
|-------------|------|

|              |   |
|--------------|---|
| By Mr. Smith | 5 |
|--------------|---|

|              |    |
|--------------|----|
| By Ms. Davis | 44 |
|--------------|----|

---o0o---

JON SCHORLE  
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016

4

INDEX TO EXHIBITS

| Exhibit   | Description             | Page |
|-----------|-------------------------|------|
| Exhibit 1 | Curriculum Vitae        | 6    |
| Exhibit 2 | Schorle Report, 1/20/16 | 6    |

---o0o---

JON SCHORLE  
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016

5

DEPOSITION OF JON SCHORLE

February 12, 2016

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JON SCHORLE,

having been first duly sworn, testified as follows:

EXAMINATION

BY MR. SMITH:

Q. Can you please state and spell your name for the record.

A. Jon, J-o-n, Schorle, S-c-h-o-r-l-e.

Q. Have you ever given a deposition before?

A. Yes.

Q. How many times do you think you've given a deposition?

A. I would think between five and ten times.

Q. Thank you. For this deposition, while it is a formal oath, if you need a break for any reason, just indicate you need a break. Do you understand?

A. Yes, sir.

Q. Okay. And in terms of -- if for any reason you don't understand my question, feel free to indicate that as well. Okay?

A. Yes, thank you.

Q. Okay. All right. Now, you're aware that



JON SCHORLE  
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016

6

1 you're here to testify in a deposition concerning a case  
2 filed by an Officer Danny Echeverria and an Officer  
3 Shannon Spalding; is that correct?

4 A. Yes.

5 Q. And I'm going to mark for purposes of this  
6 deposition a CV as Deposition Schorle Exhibit No. 1.

7 (Exhibit 1 was  
8 marked for identification.)

9 MR. SMITH: Court reporter, could you show the  
10 CV to Mr. Schorle.

11 THE REPORTER: He's got it.

12 BY MR. SMITH:

13 Q. Mr. Schorle, is that a copy of your CV, Exhibit  
14 No. 1?

15 A. Yes.

16 Q. Okay. Thank you. And in terms of for this  
17 deposition I'm going to mark as Schorle Deposition  
18 Exhibit No. 2 an expert report of Jon D. Schorle dated  
19 1/20/2016.

20 (Exhibit 2 was  
21 marked for identification.)

22 THE REPORTER: He's got it.

23 BY MR. SMITH:

24 Q. Mr. Schorle, is that a copy of your expert  
25 report in this matter?



JON SCHORLE  
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016

7

1 A. Yes.

2 Q. And you would agree that it's a four-page  
3 report with 16 paragraphs?

4 A. Yes, sir.

5 Q. Okay. Thank you. Now, is it your  
6 understanding that your client is the City of Chicago in  
7 this case?

8 A. Yes.

9 Q. Now, the report that I gave you, are all your  
10 opinions you are providing in this matter contained in  
11 that report?

12 A. Yes.

13 Q. Have you written any additional paragraphs  
14 since the time of that report that you're intending to  
15 add?

16 A. No.

17 Q. Have you reviewed any documents or depositions  
18 or police reports of any kind in connection with this  
19 case since your report?

20 A. No.

21 Q. Now, I believe in paragraph 3 of your report,  
22 or maybe it's paragraph 2, I apologize, at some point it  
23 indicates you were a chief of police for seven police  
24 departments?

25 A. That's correct.



JON SCHORLE  
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016

8

1 Q. Can you just tell me what those seven police  
2 departments were?

3 A. Yes. City of Tustin, California; California  
4 State University, Dominguez Hills; San Francisco State  
5 University; Reno Tahoe International Airport; the City  
6 of Williams, California; the City of West Sacramento,  
7 California; and Victor Valley College Police Department.

8 Q. Just out of curiosity, the city of West  
9 Sacramento, approximately how big is that?

10 A. I think it's about 50,000 population.

11 Q. Thank you. All right. Now, in terms of --  
12 have you ever been hired to be an expert in any matter  
13 other than this one that involved a lawsuit against city  
14 of Chicago police officers?

15 A. No.

16 Q. Have you ever testified or given a deposition  
17 in a matter that involved city of Chicago police  
18 officers?

19 A. No.

20 Q. Are you familiar with criminal cases against  
21 officers in a special operation section unit in the city  
22 of Chicago dating in approximately 2005 against a Jerome  
23 Finnigan and an Officer Herrera at all?

24 A. No.

25 Q. Are you familiar with a conviction and

JON SCHORLE  
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016

9

1 prosecution of a Chicago police officer by the name of  
2 Sergeant Miedzenowski in approximately 1998 who was  
3 charged with criminal misconduct, including running a  
4 drug distribution ring on Chicago's northwest side?

5 A. No.

6 Q. Are you familiar with a conviction and  
7 prosecution of a group of officers out of Chicago  
8 Wentworth neighborhood in the late '80s who were  
9 convicted of taking thousands of dollars in protection  
10 payoff from drug dealers?

11 A. No, sir.

12 Q. Are you familiar with the group called The  
13 Boston Seven police officers in Chicago of Austin  
14 neighborhood for using police authority to rob and  
15 extort money and narcotics from drug dealers?

16 A. No, sir.

17 Q. Are you familiar with a police officer by the  
18 name of Sergeant Patterson who headed a tactical team  
19 who were caught on tape stealing videotape -- I mean  
20 caught on videotape stealing cash and drugs from an area  
21 drug dealer?

22 A. No, sir.

23 Q. Are you familiar with a group of officers out  
24 of Chicago Englewood neighborhood who were indicted for  
25 criminal misconduct dating back to 1999 for abuses of

JON SCHORLE  
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016

10

1 their authority, including working with drug dealers?

2 A. No.

3 Q. Are you familiar with an officer by the name of  
4 Glenn Lewellen who was convicted of being a part of a  
5 drug dealing operation that involved a Sal Rodriguez,  
6 who was an informant paid by the city of Chicago  
7 approximately \$800,000, who later plead guilty to murder  
8 and kidnapping?

9 A. No.

10 Q. Are you familiar at all with the Laquan  
11 McDonald case that's been on the news recently where an  
12 individual was shot by a police officer, on video?

13 A. I have seen the video, yes. This is the one  
14 where the young man was shot approximately 16 times?

15 Q. Correct.

16 A. Yes.

17 Q. What criminal -- what police officer criminal  
18 corruption cases in the city of Chicago are you familiar  
19 with?

20 A. I really am not familiar with any, other than  
21 the information that I read in the seven or eight  
22 depositions that I listed in my expert report and the  
23 deposition of Shannon Spalding.

24 Q. Did you also read the expert report provided by  
25 Lou Reiter, the plaintiff's expert?

JON SCHORLE  
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016

11

1 A. Yes, I did.

2 Q. Are you aware in that report that Lou Reiter  
3 quotes a United States attorney by the name of Brian  
4 Netols for the proposition that Brian Netols testified  
5 that he believes the code of silence was involved in all  
6 18 criminal trials of Chicago police officers that he  
7 prosecuted?

8 A. If it was in the report, I read it, but it  
9 doesn't come to mind.

10 Q. Do you have any reason to believe that that  
11 wasn't a truthful statement?

12 A. No.

13 Q. By U.S. Attorney Netols?

14 A. No.

15 Q. Now, I believe you indicated in your report the  
16 materials that you reviewed were a deposition of Susan  
17 Entenberg?

18 A. Yes.

19 Q. And a deposition of Dr. David Kaiser?

20 A. Yes.

21 Q. Deposition of Nancy Landre?

22 A. Yes.

23 Q. Deposition of Shannon Spalding?

24 A. Yes.

25 Q. Deposition of Commander Robert Klimas?



JON SCHORLE  
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016

12

1 A. Yes.

2 Q. Deposition of Captain Michael Pigott?

3 A. Yes.

4 Q. And the deposition of Lou Reiter?

5 A. Correct.

6 Q. You have not reviewed the deposition of  
7 plaintiff Officer Danny Echeverria?

8 A. I have not.

9 Q. Or the depositions of any of the defendant  
10 individual police officers that are in the case,  
11 correct?

12 A. That's correct, I have not.

13 Q. In terms of -- what were you asked to do in  
14 connection with your review of this case?

15 A. I'm sorry. Could you repeat that?

16 Q. Yes. What were you asked to do in terms of  
17 your review of this case?

18 A. Simply review --

19 Q. In other words --

20 A. I'm sorry. Go ahead.

21 Q. To make the question clearer, what were the  
22 particular issues that you were told to assess?

23 A. I was asked to assess whether or not Officers  
24 Echeverria and Spalding could return to work, given the  
25 information contained in the depositions that I read, in



JON SCHORLE  
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016

13

1 my opinion.

2 Q. Were you asked to give any opinions with  
3 respect to the code of silence in the Chicago Police  
4 Department?

5 A. I don't think so, no.

6 Q. Are you giving any opinions about the existence  
7 or nonexistence of a code of silence in the Chicago  
8 Police Department?

9 A. Well, I would say yes, in that I offered the  
10 opinion that the code of silence in one form or another  
11 exists in most organizations.

12 Q. Are you offering opinions on whether or not  
13 training should be given in relation to the code of  
14 silence with respect to police officers in the Chicago  
15 Police Department?

16 A. No, I don't think so.

17 Q. Is your opinion limited to Shannon Spalding's  
18 ability to go back to work or both Danny Echeverria and  
19 Officer Spalding's ability to work?

20 A. I would say more specifically Shannon Spalding.

21 Q. Were you making an assessment as to the truth  
22 about the claims of Officer Spalding or Officer  
23 Echeverria in connection with this case?

24 A. No.

25 Q. Are you familiar with the criminal prosecution

JON SCHORLE  
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016

14

1 of a Sergeant Ronald Watts and Officer Mohammad?

2 A. No.

3 Q. Are you familiar at all with the allegations  
4 that were -- or what Sergeant Watts was suspected of in  
5 connection with his work as a Chicago police officer?

6 A. Just in general terms.

7 Q. Are you aware that there were at a minimum,  
8 rumors, if not more, that he was involved in possibly  
9 murder?

10 A. I think that was one of the claims that was  
11 made, yes.

12 Q. All right. Well, let's take a look at --  
13 before I get to your report -- in terms of -- what  
14 percentage of your income comes from consulting work as  
15 an expert in connection with litigation?

16 A. Five percent or less.

17 Q. And do you have any breakdown as to how often  
18 you're hired by plaintiffs versus defendants?

19 A. I think that with the exception of this case I  
20 think all of my work has been with plaintiffs'  
21 attorneys.

22 Q. And in terms of -- have you ever given opinion  
23 testimony before on whether or not you believe an  
24 officer could go back to work?

25 A. No.

1 Q. What types of degrees and training do you have  
2 that relates to an officer's psychological condition to  
3 go back to work or not?

4 MS. DAVIS: I'm going to object. I think we're  
5 getting beyond the scope of what he's here to testify  
6 about. He's here to testify about his opinion of the  
7 code of silence and the like. He's already told you  
8 what he had in regard to anything else.

9 BY MR. SMITH:

10 Q. Okay. Well, is there anything in your training  
11 in terms of your educational training that deals with  
12 training and making a psychological or psychiatric  
13 assessment of whether or not people can go back to work?

14 A. My training in that area has all been  
15 on-the-job training with regard to the recruitment,  
16 selection and training of police officers. In  
17 California police officers have to pass a preemployment  
18 psychological screening exam, and I have reviewed  
19 hundreds of those and have discussed those with the  
20 psychologists and psychiatrists who give them.

21 Q. And in terms of -- have you made  
22 recommendations for officers not to go back to work in  
23 your history?

24 A. Yes.

25 Q. How many times would you say that's happened?

JON SCHORLE  
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016

16

1 A. Three or four.

2 Q. And how many times would you say that you have  
3 been a part of the review process of officers?

4 A. Probably well over a hundred.

5 Q. In terms of what types of documents would you  
6 get to make those reviews?

7 A. I have reviewed the actual exams that are used  
8 in California, and I have reviewed the written reports  
9 of the psychologist or psychiatrist who offered or  
10 proctored the exam and did the oral interview with the  
11 officer.

12 Q. And did you agree with the opinions of  
13 Dr. Landre?

14 MS. DAVIS: I'll object again. He's not here  
15 to opine about the psychological pieces of this case.  
16 Jon, you can answer, if you can.

17 THE WITNESS: I think the description given was  
18 general in nature and acute in nature. In other words I  
19 think it was a temporary condition and described as  
20 such.

21 BY MR. SMITH:

22 Q. Okay. Did you agree with those opinions by  
23 Dr. Landre?

24 MS. DAVIS: Same objection.

25 THE WITNESS: I had no reason not to agree with

JON SCHORLE  
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016

17

1     them. I just --

2     BY MR. SMITH:

3         Q. What about -- sorry.

4         A. In my opinion, as an administrator having  
5     watched these things go over a period of time, the acute  
6     nature of the frustration that brings the officer to  
7     such an acute case or situation or feeling, tends to  
8     diminish, and once that hurdle is crossed, then the  
9     officers are more often than not, by far, ready to go  
10    back to work or able to go back to work.

11        Q. And you indicated you reviewed Dr. David  
12    Kaiser's deposition. Did you have any disagreements  
13    with Dr. David Kaiser's opinion?

14        A. No.

15        Q. How about in review --

16           MS. DAVIS: Ongoing running objection to any  
17    questioning related to his opinions on the psychological  
18    part of this case. But subject to those, the ongoing  
19    running objection, I'll let him continue.

20    BY MR. SMITH:

21        Q. With respect to the deposition of Susan  
22    Entenberg, did you disagree with any of the opinions of  
23    Susan Entenberg expressed in the deposition?

24        A. No, I viewed her report as much different than  
25    the two that were offered by the medical professionals.



JON SCHORLE  
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016

18

1 Q. Okay. Did you have disagreements with Susan  
2 Entenberg's opinions?

3 A. No. I just didn't give it a high priority.

4 Q. Do you happen to have the preliminary report of  
5 Lou Reiter on you?

6 A. Hold on one minute. Yes.

7 Q. If you want to take that out, I'm going to be  
8 asking you some questions that relate to his opinion,  
9 and if you want to rather than just be hearing me read  
10 certain paragraphs be able to look at it, feel free to  
11 take it out so you can look at it.

12 A. That's fine. I have it.

13 Q. Okay. You'll see on page 6 of his report,  
14 paragraph 8, that he discusses reviewing what's called  
15 CR investigations conducted by the Chicago Police  
16 Department or what's called OPS.

17 Have you ever reviewed complaint registration  
18 investigations conducted by either the Office of  
19 Professional Standards or Independent Review Authority  
20 or Internal Affairs of the Chicago Police Department?

21 A. I have not.

22 Q. In terms of -- you'll see on the 7th page,  
23 paragraph 10, that Mr. Reiter indicates, "The forms of  
24 retaliation alleged by Officer Spalding and Echeverria  
25 and supported by affidavits of other members of the CPD

1 are those commonly found in law enforcement incidents  
2 where an officer breaks the Code of Silence or is  
3 presumed to have done so and who is suspected of giving  
4 adverse information concerning employee misconduct about  
5 another member of the police agency."

6 Have you reviewed the affidavit of Janet Hanna  
7 that was produced in this case?

8 A. No.

9 Q. In terms of if you look on the next page, page  
10 8, paragraph 11, in Mr. Reiter's report it indicates,  
11 "Janet Hanna, in her affidavit on this case, stated that  
12 Lieutenant Cesario, two new officers were coming who  
13 were supposedly IAD rats and to be leery of them."

14 If it was, in fact, true that a lieutenant told  
15 officers that there were IAD rats coming and to be leery  
16 of them, would you see that as a problem?

17 A. No.

18 Q. Why not?

19 A. It's just talk. It's just locker room bravado.  
20 It's not something that forthright police officers take  
21 to heart in terms of how they do their job.

22 Q. In terms of the next statement, a part of that  
23 paragraph 11, Reiter puts, "She stated that this  
24 lieutenant told her to give Shannon and Echeverria only  
25 dead-end cases that would not lead to arrest or officer

JON SCHORLE  
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016  
20

1 activity."

2 Would you see that as a problem if a lieutenant  
3 was giving -- ordering his subordinates to give officers  
4 dead-end cases because they were officers who went  
5 against officers in their own department?

6 A. No.

7 MS. DAVIS: Are you asking him to presuppose  
8 that it's true? Is it a hypothetical?

9 MR. SMITH: Presupposing it's true.

10 THE WITNESS: Same issue, it's just talk. It  
11 really has no bearing on how they are going to do their  
12 job, in my opinion.

13 BY MR. SMITH:

14 Q. The next sentence reads, she also stated in her  
15 affidavit that lieutenant Cesario told her to destroy  
16 overtime requests for Shannon and Echeverria, and in  
17 quotes, pretend like I had never received it.

18 If that were true, would you perceive that as a  
19 problem in terms of how officers were treated for being  
20 involved in an investigation of fellow officers?

21 A. If, in fact, that type of thing occurred, yes.

22 Q. Have you seen any facts that or testimony that  
23 indicate that Janet Hanna is --

24 MS. DAVIS: Everybody still there?

25 THE WITNESS: I'm here.



1 BY MR. SMITH:

2 Q. Are you aware of any facts in this case that  
3 refute Janet Hanna's affidavit?

4 A. Well, I have not seen her affidavit, and I am  
5 not aware of any facts of the matter that would refute  
6 the way it was described here by Reiter.

7 Q. In terms of the last sentence of that  
8 paragraph, "In Officer Hanna's deposition in this matter  
9 she testified that in 1994 when she was in the Chicago  
10 Police Academy," in quotes, "I was instructed by several  
11 instructors. We were told over and over again we do not  
12 break the code of silence. Blue is blue. You stick  
13 together."

14 If that was true that she was told that in the  
15 academy by instructors, would there be a problem with  
16 that?

17 A. From an administrative moral and ethical  
18 perspective, I would think there was a problem with  
19 that.

20 Q. What about from a practical standpoint, would  
21 there be a problem with that, in terms of how the  
22 officers would potentially do their job, if they were  
23 instructed in that manner?

24 A. You know, I just don't know how to answer that  
25 question. I don't think so, but I really don't know how

1 to answer that question. Sorry.

2 Q. The next paragraph reads, "Officer Michael  
3 Spaargaren stated in his affidavit in this matter that  
4 he worked with Sergeant Watts and Officer Mohammad at  
5 the Chicago Housing Authority. He confronted Watts  
6 about large sums of money they had confiscated from  
7 suspects that subsequently was not inventoried and  
8 disappeared. Officers Spaargaren went to their  
9 superior, Lieutenant Spratt, and reported his  
10 observations. The lieutenant then accused him of  
11 being," in quotes, "corrupt, ordered him not to go to  
12 IAD, and moved him out of the unit. He stated in his  
13 affidavit that Lieutenant Spratt told him, 'You better  
14 keep your mouth shut. You don't want to lose your life  
15 over this. If you report a sergeant to IAD, how long do  
16 you think you will last.'"

17 Now, if that were, in fact, true, do you think  
18 that that would be an act by Lieutenant Spratt that  
19 could be considered an action in conjunction with  
20 observing a code of silence?

21 A. You know, I think that is one interpretation.  
22 Whether it has any bearing on the officer's conduct is a  
23 whole different question, in my opinion.

24 Q. Do you think that being told that could have  
25 affected an officer's ability to work on the job, if, in

1 fact, what they were saying was true?

2 A. Not in 95 percent, plus, of the cases, in my  
3 opinion. Policemen don't react to that kind of veiled  
4 threat, I don't believe.

5 Q. In terms of on page 11 Lou Reiter cites a  
6 study, Christopher Commission study of the Los Angeles  
7 Police Department in 1991 found that the code of silence  
8 was perhaps the greatest single barrier to effective  
9 investigation and adjudication of complaints. Do you  
10 agree with that opinion?

11 A. I do not.

12 Q. Why don't you agree with that opinion?

13 A. I don't think that's what the Christopher  
14 Commission was all about in the first place. But in the  
15 second place, my experience with both the Los Angeles  
16 Police Department and the Los Angeles County Sheriff's  
17 Department in working with their training academies and  
18 their training staff, it simply was not an issue that  
19 raised to the level of concern by the training staff.

20 Q. When did you work with the Los Angeles County  
21 police and Los Angeles County Sheriff's office, what  
22 period to what period?

23 A. Well, I went through the Los Angeles Police  
24 Department basic academy, sergeant school and lieutenant  
25 school, and I proctored, in other words, approved a

JON SCHORLE  
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016  
24

1 curricula, approved the instructors, and funded all of  
2 the training that was put on by the Los Angeles Police  
3 Department between 1973 and 1976 when I was a senior law  
4 enforcement consultant with the California Commission on  
5 Peace Officer Standards and Training.

6 Q. Do you know if the Los Angeles Police  
7 Department currently trains its officers about the code  
8 of silence and it's part of the curriculum of training?

9 A. No.

10 Q. Is that, no, as you don't know one way or the  
11 other, or no, they don't?

12 A. No, I don't know. In California I've never  
13 heard it referred to as the code of silence. There  
14 certainly is training in the code of ethics as  
15 prescribed by the California Peace Officers Association  
16 that goes on in all police academies.

17 Q. In terms of -- you read the deposition of  
18 Michael Pigott, correct?

19 A. Yes.

20 Q. And you are aware that the city designated  
21 Michael Pigott as the person most knowledgeable about  
22 the issues concerning the code of silence in connection  
23 with this case, correct?

24 A. Yes.

25 Q. In terms of -- would you agree with his opinion

JON SCHORLE  
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016  
25

1 that there is no code of silence --

2 A. No.

3 Q. -- at the CPD?

4 A. No.

5 Q. Would you be -- are you surprised that somebody  
6 is being held out as the most knowledgeable person  
7 concerning the code of silence presented by the city, a  
8 captain in the police department is indicating that he's  
9 never reviewed any materials regarding the code of  
10 silence?

11 A. The short answer would be, yes, I was  
12 surprised.

13 Q. Did you see that Officer Pigott indicated that  
14 he didn't recall any officer who received retaliation  
15 for reporting misconduct of another officer and that he  
16 recalls only one case where an officer was disciplined  
17 for not reporting misconduct immediately?

18 A. I saw that.

19 Q. In terms of -- I understand you didn't read  
20 Chief Rivera's deposition, correct?

21 A. That's correct.

22 Q. Did you read in Lou Reiter's report that Chief  
23 Rivera, who was head of Internal Affairs in 2009,  
24 indicated that he's heard of it, referred to it in the  
25 media, and in quotes, again, code of silence is not

1 something I've ever heard of before other than the media  
2 and that he has no knowledge of a code of silence  
3 existing at any police department anywhere. Would that  
4 surprise you that a head of Internal Affairs would make  
5 a statement like that?

6 A. Yes, indeed. What I agreed with with Chief  
7 Reiter's opinion was that the Chicago Police Department  
8 has apparently made a conscious choice to deny the  
9 potential existence and impact of a code of silence.

10 Q. Could that be problematic for the police  
11 officers who work in the Chicago Police Department?

12 A. Not in my opinion.

13 Q. Why not?

14 A. Well, because police officers are  
15 self-directed, self-motivated, forthright, honest  
16 people, the vast majority and for the tenure of their  
17 careers. And a lot of the hearsay and a lot of the  
18 locker room malarky that goes on simply does not affect  
19 how they make decisions and the job that they do. And I  
20 think that's witnessed by Spalding and Echeverria in  
21 their actions. These people are 17-year veterans of the  
22 department, and they came forward.

23 Q. Well, let's look at your report starting with  
24 paragraph 7. Paragraph 7 reads, "The essence of this  
25 case revolves around two Chicago police officers,

1 Plaintiffs Spalding and Echeverria, who, in the course  
2 of scope of their duties as undercover officers  
3 developed information which led them to believe officers  
4 of the Chicago Police Department were involved in  
5 illegal activities. When reporting this belief to  
6 ranking officers the police department did not acquire  
7 the desired results. Plaintiffs were assigned to work  
8 with the FBI in furtherance of investigation into these  
9 charges."

10 Where did you get that information that that  
11 occurred.

12 A. From -- I read all of the documents listed in  
13 paragraph 5, and that was my conclusion.

14 Q. Okay. In terms of -- were you aware that in  
15 the deposition Shannon Spalding indicates that when no  
16 investigation was opened, they on their own time, her  
17 and Danny Echeverria, went to the FBI? Were you aware  
18 of that?

19 A. Doesn't ring a bell.

20 Q. Would that affect your opinion if that were in  
21 her deposition?

22 A. No.

23 Q. You're not trying to give testimony as to  
24 whether she went to the -- her or Danny went to the FBI  
25 on their own time or whether it was done during work

JON SCHORLE  
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016  
28

1 hours with the permission of the Chicago Police  
2 Department; is that correct?

3 A. Yes, that's correct.

4 Q. In terms of paragraph 8 you indicated, "The  
5 code of silence may be described as a particular method  
6 of behavior by members of the CPD which dictates that  
7 what one officer observes in the conduct of another  
8 member of the department, which could be described as  
9 illegal, against regulations, aberrant, outside the  
10 norm, is never reported," correct?

11 A. Yes.

12 Q. Are you aware of or have you done any attempt  
13 to research how often the Chicago Police Department  
14 officers have come forward against other officers?

15 A. No.

16 Q. Are you aware of any attempt by the Chicago  
17 Police Department in connection with the numerous  
18 convictions against police officers of the Chicago  
19 Police Department in which the police department has  
20 attempted to determine which officers remained silent  
21 and never reported those officers' illegal activities?

22 A. No.

23 Q. In paragraph 9 you indicated that it's been  
24 your professional experience across a broad spectrum of  
25 organizational settings that behavior akin to a code of

JON SCHORLE  
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016  
29

1 silence exists to some degree or another in every field  
2 of endeavor, correct?

3 A. Yes.

4 Q. You would agree that police officers, generally  
5 speaking, have a more dangerous job than the average  
6 citizen?

7 A. Yes.

8 Q. And you would agree that police officers, and  
9 especially in a narcotics unit, will deal with things  
10 such as cash or large amounts of drugs in the course of  
11 their job?

12 A. Yes.

13 Q. Would you agree that even though you have an  
14 opinion that most officers are highly ethical that it  
15 still is a known issue or danger that the police  
16 department must be mindful of the fact that when  
17 officers are put in positions to be around large amounts  
18 of cash or drugs that there is a danger that some  
19 individuals will be attempted to potentially take funds  
20 and narcotics?

21 MS. DAVIS: I'm going to object. That's such a  
22 compound question, I'm not sure that it's  
23 understandable.

24 BY MR. SMITH:

25 Q. Okay. I'll ask it a slightly different way.



JON SCHORLE  
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016  
30

1 Are there issues or dangers that police  
2 departments must train about with respect to officers  
3 who are put in a position to be around large amounts of  
4 unaccounted for cash and narcotics?

5 A. Yes.

6 MS. DAVIS: And my objection is it goes beyond  
7 the scope of testimony. And Jon, you have to give me a  
8 chance to object so the record is clear, but go ahead.

9 THE WITNESS: I'm sorry.

10 BY MR. SMITH:

11 Q. You would agree with that?

12 A. I would agree.

13 Q. And it's fair to say that when you give an  
14 opinion about there being a code of silence in some  
15 degree in every field of endeavor, it's fair to say that  
16 the types of situations that a code of silence might  
17 affect differ greatly between one profession and the  
18 next; is that fair to say?

19 MS. DAVIS: Objection. Goes beyond the scope.  
20 Go ahead.

21 THE WITNESS: You know, I think the essence of  
22 whether there's honesty among employees and whether  
23 there's theft committed by employees, that's the essence  
24 of the issue. So I don't see it as particularly  
25 different.

JON SCHORLE  
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016

31

1 BY MR. SMITH:

2 Q. Well, in terms of the potential harm that could  
3 result by abiding by a code of silence when somebody is,  
4 you know, as I think you put it somewhere, late for work  
5 versus extorting somebody for money are highly  
6 different, the danger there, wouldn't you agree?

7 A. Yes.

8 Q. Are you aware that there have been even polls  
9 in the city of Chicago recently connected to the city's  
10 perception of a problem with the code of silence in the  
11 Chicago Police Department?

12 A. No.

13 Q. You put in your opinion No. 10, "The code of  
14 silence is not high enough of any listing of needs  
15 assessment that I am aware of to warrant concentrated  
16 effort. It is true that in the last several years the  
17 awareness of ethics and ethical behavior has been of  
18 some interest and specific training programs have been  
19 developed."

20 In the city of Chicago in the current  
21 environment, do you think that the code of silence does  
22 warrant a concentrated effort?

23 MS. DAVIS: Objection. Compound question. Go  
24 ahead.

25 THE WITNESS: You know, I think it's a matter

JON SCHORLE  
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016

32

1 of semantics. The code of silence is such an innocuous  
2 term that I think it's hard to put measures on. I  
3 certainly think that there needs to be a concentration  
4 in training on ethical behavior and obedience to  
5 department policies and rules and regulations, but the  
6 code of silence thing, you know, doesn't work for me.

7 BY MR. SMITH:

8 Q. Are you aware that the mayor of the city of  
9 Chicago, Emanuel, has come out indicating that the  
10 Chicago Police Department has a problem with the code of  
11 silence?

12 MS. DAVIS: Objection. I think that's -- it  
13 misstates the character of Mayor Emanuel's testimony,  
14 but I guess if you're asking him to suppose it's true,  
15 he can answer.

16 BY MR. SMITH:

17 Q. Are you aware of any statements from Mayor Rahm  
18 Emanuel to that effect?

19 A. No.

20 Q. In terms of your paragraph No. 11, "Having  
21 established a reputation as an expert in the field of  
22 recruitment, selection and training of police personnel  
23 over a lengthy period of time in a variety of  
24 assignments in the field, I'm of the opinion the vast  
25 majority of police officers are selected on the basis of

JON SCHORLE  
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016

33

1 intelligence, honesty and desire to serve the public and  
2 inherent need for security of an organization based on  
3 shared beliefs."

4 Have you ever been involved in the hiring of  
5 Chicago police officers?

6 A. No.

7 Q. "Therefore, to espouse any belief that a wide  
8 spread contagion of dishonesty is an integral part of  
9 any police organization is not acceptable to me."

10 It's fair to say that those opinions are based  
11 on your hiring and experiences in other police  
12 departments, not in the city of Chicago's police  
13 department?

14 A. And the field at large, both from my studies at  
15 the FBI National Academy and in the development of the  
16 Executive Development Course, which is a training  
17 program required for newly appointed police chiefs,  
18 which took me to the city of New York and the  
19 Tallahassee Police Department and the Los Angeles Police  
20 Department and Los Angeles Sheriff's Department. In  
21 other words, a nationwide analysis of specific training  
22 needs.

23 Q. Is it fair to say that you would expect in  
24 police departments, based on your experience, that there  
25 would be minor numbers of bad apples existing in an

JON SCHORLE  
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016

34

1 organization and fewer, by far, in police organizations,  
2 correct?

3 A. Yes.

4 Q. In terms of -- with respect to the Chicago  
5 Police Department, what efforts have you made to study  
6 whether its numbers have a minor number of bad apples in  
7 comparison to other organizations?

8 A. None.

9 Q. In terms of -- I'm going to -- in terms of, or  
10 hypothetically speaking for purposes of this deposition,  
11 if I told you there was a section called the special  
12 operation section within the Chicago Police Department  
13 that approximately 400 members that was disbanded and  
14 that five of those members were criminally convicted,  
15 including one member who was convicted in connection  
16 with audio statements of trying to hire a gang to kill a  
17 fellow police officer they believed was informing  
18 against them, in terms of -- at what point would you  
19 start to assess there may be more than a few bad apples  
20 within the Chicago Police Department? How many numbers  
21 would that take?

22 A. And you're using a reference of five out of  
23 400?

24 Q. No, I'm using a reference of -- well, let's  
25 start with the five out of 400. And would that be

JON SCHORLE  
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016

35

1 consistent with the minor number of bad apples?

2 A. No.

3 Q. Would that be more or less?

4 A. I think it's more.

5 Q. In connection with that case, the whole unit  
6 was eventually disbanded, and in terms of the fact that  
7 these five officers were convicted, that doesn't mean  
8 officers didn't sit back and watch the conduct of those  
9 officers; you don't know one way or another whether  
10 there were other officers who sat back and watched or  
11 even participated in the conduct; is that fair to say?

12 A. That's correct, yes.

13 Q. If I was to tell you that in connection with  
14 those special operation officers there was a videotape  
15 of at least 20 officers, including supervisors, being  
16 part of a raid of a bar without a warrant in which a --  
17 one of the most -- one of the newest members of the unit  
18 or of the police department itself was later charged and  
19 convicted in relation to filing -- creating a false  
20 police report and perjury in connection with that  
21 incident, and if those other 20 members were involved in  
22 violating people's rights, would you agree that that's,  
23 again, harming the idea that there's only a few bad  
24 apples in connection with that unit?

25 MS. DAVIS: Objection to the compound nature of

JON SCHORLE  
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016  
36

1 the question. Answer, if you can.

2 THE WITNESS: It's far too hypothetical. I  
3 mean, I just don't offer opinions based on the  
4 description that you've given. You know, I'd want to  
5 see the reports. I'd want to be able to ask the right  
6 questions. So I wouldn't have an opinion in that area.

7 BY MR. SMITH:

8 Q. How could you conduct an investigation to  
9 determine if the Chicago Police Department had many more  
10 bad apples than the average police department?

11 A. Well, I think there was some attempt described  
12 in Chief Reiter's report where they tried to do some  
13 historical perspective and found that there had been a  
14 change in computers, and so they couldn't find any  
15 records back beyond 2005. I mean, clearly there has to  
16 be a starting point from which to draw conclusions and  
17 to do investigations. But it certainly would not be an  
18 easy case.

19 Q. Do you think that using information from  
20 criminal convictions of police officers would be a good  
21 starting point to do investigations to determine who  
22 else may have known, or failed to report, or were  
23 inadequately supervised, or participated in those  
24 crimes?

25 MS. DAVIS: Objection. Incomplete

JON SCHORLE  
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016

37

1 hypothetical.

2 THE WITNESS: I just think that's one of the  
3 starting points. It wouldn't be the -- you know, when  
4 you get into organizational decision-making, you do  
5 things like define the tasks and examine the  
6 alternatives and then proceed ahead to see what  
7 alternatives work and don't work. But you certainly  
8 don't just use one criteria as the way to start a study.

9 BY MR. SMITH:

10 Q. In terms of number -- if the Chicago Police  
11 Department had a code of silence and was -- and made  
12 concerted efforts even from the supervisors that the  
13 code of silence be adhered to, would there be a danger  
14 that that could lead to increased numbers of bad apples  
15 within the organization?

16 MS. DAVIS: Objection. Incomplete  
17 hypothetical.

18 THE WITNESS: I mean, I see some logic in the  
19 proposition that you're making, yes.

20 BY MR. SMITH:

21 Q. Okay. Number 12 you talk about pop culture and  
22 depictions of fiction or works of fiction concerning, I  
23 believe, the code of silence. You would agree there are  
24 numerous examples of instances where -- I'll strike the  
25 question.

1           You've indicated a question, reporting that an  
2 officer in an adjacent beat took an extra 15 minutes on  
3 a coffee break is not. What are were you trying to say  
4 by indicating that?

5           A. I was just trying to make a statement that  
6 there's a -- that the media tends to broad brush, paint  
7 everything with a broad brush, you know. If one  
8 policeman makes a mistake, then they have all erred.  
9 And I just think that that's part of the pop culture  
10 that there are -- Spalding was concerned about her life  
11 safety, and I think that anything that would happen to  
12 her would draw a knee jerk kind of reaction from other  
13 police officers. In other words, they would not stand  
14 for things like that. But in the pop culture, those  
15 kinds of decisions are all put in one basket. It's one  
16 thing to defend another police officer's life when they  
17 are under attack, and it's a totally different picture  
18 to report somebody who takes 15 minutes too long on a  
19 coffee break.

20           Q. And you would agree that if officers were not  
21 backed up in the streets it could be extremely dangerous  
22 to their health and life, if they weren't backed up by  
23 other cops?

24           A. Could be.

25           Q. And in terms of -- in terms of the Laquan

JON SCHORLE  
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016  
39

1 McDonald case, which you are somewhat familiar, at least  
2 from viewing the video, are you aware of anything about  
3 what the officers who were on the scene wrote about the  
4 incident in their reports?

5 A. I'm not familiar with the case you're making  
6 reference to.

7 Q. The shooting case.

8 A. Oh, oh, oh, okay. Fine. I'm sorry. Now --  
9 okay. Restate, please.

10 Q. Are you aware of what the officers who were at  
11 the scene of that incident wrote in their reports --

12 A. No.

13 Q. -- about what happened?

14 A. No.

15 Q. In terms of -- when you're indicating these  
16 depictions are works of fiction, albeit some vein of  
17 truth exist in every such story, the popular culture,  
18 fueled by consternation on the part of citizens who see  
19 the police above reproach, again, do not represent any  
20 truth in the broader context of policing on a nationwide  
21 basis, what -- have you done anything to determine  
22 whether that's true with respect to the Chicago Police  
23 Department?

24 A. No.

25 Q. Do you have an opinion as to what police

1 department in the United States is the most corrupt  
2 police department?

3 A. No.

4 Q. Do you have any idea about which police  
5 departments in the United States have had the most  
6 officers convicted in Federal Court in the last 20  
7 years?

8 A. No.

9 MS. DAVIS: Objection. Goes to relevance.

10 BY MR. SMITH:

11 Q. Okay. Number 13 you start with, "In my opinion  
12 bringing forth observations of illegal behavior on the  
13 part of another is an obligation accepted by all police  
14 officers." What evidence do you have that the members  
15 of the Chicago Police Department live up to that  
16 obligation of bringing forth observations of illegal  
17 behavior on the part of another?

18 A. I can only tell you that making arrests,  
19 writing citations fall into that category. And that's  
20 why the Chicago Police Department exists.

21 Q. When you're referring to bringing forth  
22 observations of illegal behavior on the part of another,  
23 you're referring to other police officers, correct?

24 A. No, I'm not, no.

25 Q. Well, would you agree, though, bringing forth

JON SCHORLE  
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016

41

1 observations of illegal actions of a police officer are  
2 seen by a fellow officer is an obligation that needs to  
3 be accepted by all police officers?

4 A. Yes.

5 Q. "Altering behavior or failing to report  
6 misconduct for fear of retaliation is not a condition  
7 that is acceptable to or practiced by the vast majority  
8 of honorable police officers," you've indicated; is that  
9 correct?

10 A. Yes.

11 Q. What information do you have or evidence do you  
12 have that that is true of the Chicago Police Department?

13 A. You know, I would have to take the other side  
14 of it and say what proof is there that the Chicago  
15 Police Department is so much different than any other  
16 large city police department.

17 Q. Well, in terms of in connection with an  
18 assessment of the cases that have been presented and  
19 prosecuted -- are you aware that the Department of  
20 Justice is doing an investigation of the Chicago Police  
21 Department currently?

22 A. No.

23 Q. Are you aware of any other police department in  
24 the country that is currently being investigated by the  
25 Department of Justice?

JON SCHORLE  
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016

42

1 A. No.

2 Q. Are you aware of any real life examples where  
3 officers have retaliated against other officers for  
4 threatening or going to the authorities about their  
5 activity?

6 A. In my early experience, yes, as a field police  
7 officer.

8 Q. Were the types of threats involved in that  
9 instance or those instances life threatening?

10 A. I don't believe so.

11 Q. Are you familiar with just in terms of the  
12 reading literature or news articles of instances where  
13 police have been accused of murdering other police  
14 officers?

15 A. None come -- sorry. Go ahead.

16 Q. Go ahead.

17 A. None come to mind.

18 Q. Have you read any studies concerning coverups  
19 within the Chicago Police Department?

20 A. No.

21 Q. Did you read in Lou Reiter's opinion that he  
22 makes reference to the fact that Superintendent Hilyard  
23 in one deposition reviewed in the past answered that he  
24 believes the code of silence was simply a Chuck Norris  
25 movie?

JON SCHORLE  
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016

43

1 A. I remember reading that, yes.

2 Q. Do you believe that complaint reviews by police  
3 departments are an important part of making sure that  
4 officers don't feel free to act however they want or to  
5 make sure that they are acting within the guidelines and  
6 rules of the police department?

7 A. Yes.

8 Q. Are you familiar at all with the Chicago Police  
9 Department's Internal Affairs Bureau or the Office of  
10 Professional Standards or the Independent Review  
11 Authority in the ways and manners in which they  
12 investigate police officer complaints?

13 A. No.

14 Q. Do you have any opinion on whether Shannon  
15 Spalding would be -- if she did return to the police  
16 department would be emotionally able to work in a unit  
17 like a narcotics unit?

18 MS. DAVIS: I'm going to object, beyond the  
19 scope of what his opinion testimony is. Jon, you can  
20 answer, if you can.

21 THE WITNESS: Oh, I'm sorry. What I said in my  
22 report with regard to her returning to duty was that it  
23 would depend on the assignment and the level of  
24 supervision. Clearly, in my opinion, someone who has  
25 gone through the kind of experience that she's had would

1 have to have some retraining and a level of supervision  
2 that she could trust and depend on.

3 MR. SMITH: I have no further questions.

4 EXAMINATION

5 BY MS. DAVIS:

6 Q. I've got just a few. Mr. Schorle, you  
7 testified earlier that most coworkers -- basically that  
8 most coworkers don't want to tell on other coworkers; is  
9 that right?

10 A. I'm sorry. I couldn't quite understand you.

11 Q. Okay. Let me pick up the phone because that  
12 might be easier. Can you hear me now?

13 A. Yes.

14 Q. Is that better?

15 A. Yes.

16 Q. Okay. I've just got a few questions. You  
17 were -- let me go back.

18 You would agree that most coworkers don't want  
19 to tell on fellow coworkers regarding bad behavior or  
20 improper actions; isn't that right?

21 A. Yes.

22 Q. Okay. And when you say that the code of  
23 silence exists in most organizations, is that what you  
24 mean, that one coworker doesn't want to tell on another  
25 coworker?

1 A. Correct.

2 Q. And so when you say that the quote/unquote,  
3 code of silence exists in most organizations, you don't  
4 mean code of silence as it relates to the way that  
5 Mr. Smith uses it in terms of some kind of overt,  
6 purposeful intention to commit criminal activity, do  
7 you?

8 A. No.

9 Q. Okay. You were asked earlier on in the  
10 deposition whether or not you had any opinions about the  
11 code of silence in this case. Do you remember that?

12 A. Yes.

13 Q. And when you were asked that, you said, I don't  
14 think so. And so I guess I'm just trying to clear up  
15 the record. When I look at your report and I look at  
16 numbers 12, 13 and 14, those are your specific opinions  
17 as it relates to the code of silence allegations in this  
18 case; isn't that right?

19 A. Yes.

20 Q. Okay. So when you said you don't have any  
21 opinions about the code of silence in this case, what  
22 did you mean?

23 A. No, I felt that he was getting a little too  
24 broad, outside the scope of the materials that I had  
25 reviewed, that I was asked to review. The opinions that

JON SCHORLE  
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016

46

1 I gave were regarding the material that I reviewed and  
2 my experience as a police officer and administrator.

3 Q. Okay. That's helpful. So you do, in fact,  
4 hold opinions about the alleged code of silence in this  
5 case; isn't that right?

6 A. Yes, yes.

7 Q. Okay. Just a few more. You were asked about  
8 Captain Pigott and him stating that he did not believe  
9 there was a code of silence. Do you remember that?

10 A. Yes.

11 Q. Okay. And you said in your testimony that you  
12 were surprised to hear him say that there was no code of  
13 silence, right?

14 A. Correct.

15 Q. Okay. What I'm asking you about is as it  
16 relates to Captain Pigott's testimony. When he said  
17 that there is no code of silence, you're disagreeing  
18 with the fact that he is saying that there's not an  
19 effort by police officers to protect one another; is  
20 that what you mean?

21 A. Yes. I was taken aback by the whole tenor of  
22 his deposition and his reflections on not just the  
23 condition of training within the Chicago Police  
24 Department but the recognition of a problem that needs  
25 to be addressed.



JON SCHORLE  
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016

47

1 Q. So it's your testimony that, in fact, there are  
2 sometimes when there are issues with certain police  
3 officers not following the correct procedures or  
4 improperly protecting one another, and those are  
5 situations that need to be addressed; is that right?

6 A. Yes.

7 Q. But it is not your testimony that those  
8 situations where that happened is the overwhelming  
9 majority or that it permeates through and through the  
10 entire Chicago Police Department; is that right?

11 A. That is correct.

12 MS. DAVIS: I think I don't have any further  
13 questions. That's it.

14 MR. SMITH: I've got nothing further.

15 THE WITNESS: Thank you.

16 MS. DAVIS: Thank you for your time, and I  
17 think that's it. We can terminate the deposition.

18 Mr. Smith has sent the check. I have it in  
19 hand, and I will forward it to you this afternoon.

20 THE WITNESS: Okay. Fine. Thank you very  
21 much.

22 THE REPORTER: Do you both want copies of this  
23 deposition?

24 MR. SMITH: Sure, I'll take one.

25 MS. DAVIS: Yeah.



(Discussion off the record.)

MS. DAVIS: It's usually my practice to waive signature, unless you think there's something that you're concerned about it not having been gotten straight in the deposition. It's completely up to you. If you want to review it for those minor kind of things, that's fine. Otherwise, you can just waive signature.

THE WITNESS: Yes, that's fine.

MS. DAVIS: Okay. Then we'll waive signature.

(The deposition concluded at 12:13 p.m.)

\* \* \*

JON SCHORLE  
SPALDING, et al. vs. CITY OF CHICAGO, et al.

February 12, 2016  
49

REPORTER'S CERTIFICATION

I, JENNIFER SCHUMACHER, a Certified Shorthand  
Reporter in and for the State of California, do hereby  
certify:

That the foregoing witness was by me duly sworn;  
that the deposition was then taken before me at the time  
and place herein set forth; that the testimony and  
proceedings were reported stenographically by me and  
later transcribed into typewriting under my direction;  
that the foregoing is a true record of the testimony and  
proceedings taken at that time.

IN WITNESS WHEREOF, I have subscribed my name this  
February 12, 2016.



JENNIFER SCHUMACHER, CSR No. 9763